

Before the Proposed Plan Change 42: Hearings Panel

Under the Resource Management Act 1991 (the Act)

In the matter of **Taupō District Council Proposed Plan Change 42 –
General Rural and Rural Lifestyle Environments**

Between **Taupō District Council**
Local authority

And **Transpower New Zealand Limited**
Submitter 110 and Further Submitter FS225

Post Hearing Response to Reporting Officer following meeting on 4 September 2023

Dated 7 September 2023

Pauline Whitney – Independent Planning Expert for Transpower NZ Ltd

1.1. The following responds (on a without prejudice basis) to the discussion with the S42A Reporting officer for PC42, Craig Sharman, on 4 September 2023. The purpose of the meeting on the 4 September was to discuss the relief sought in the Transpower evidence. As part of the discussion, I was to provide follow up comments to the reporting planner on the following:

1. Whether there are other objectives (specifically Objective 3b.3.6) that address the relief sought in Objective 3b.2.6 for the Rural Lifestyle Environment.
2. Whether the word 'activities' can be removed from sought Rule 4b.1.x. and the performance standards 4b.x.x
3. Whether the word 'building' within Rule 4b.1.x. and the performance standards 4b.x.x requires amendment given how the word is defined in the Operative Taupo District Plan.

1.2. The above matters are addressed in turn.

Whether there are other objectives (specifically Objective 3b.3.6) that address the relief sought in Objective 3b.2.6 for the Rural Lifestyle Environment

1.3. As shown in the table provided in paragraph 10.22 of my primary evidence, while PC42 contains an objective relating to the effects on infrastructure in the General Rural Environment, there is no equivalent objective within the Rural Lifestyle Environment. There is therefore a 'policy' gap to give effect to the strategic objectives as well as ensure consistency with provisions within the General Rural Environment.

1.4. While PC42 included Objective 3b.3.6 *Impacts on Community Infrastructure*¹, this objective only relates to Community infrastructure which is defined in the Operative Taupo District Plan as "*Council-operated physical infrastructure including roads, and infrastructure involved in operating the wastewater, stormwater and drinking water systems*". The definition is confined to certain types of infrastructure and therefore the objective would not apply to the National Grid, or many other types of infrastructure encapsulated by the definition of Infrastructure² in the Operative Taupo District Plan. It

¹ Objective 3b.3.6 Impacts on community infrastructure

The impacts on community infrastructure arising from subdivision and development are managed.

² **Infrastructure —**

- a. pipelines that distribute or transmit natural or manufactured gas, petroleum, or geothermal energy:
- b. a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:
- c. a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:
- d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—
 - i. uses them in connection with the generation of electricity for the person's use; and
 - ii. does not use them to generate any electricity for supply to any other person:

is noted the definition of *Infrastructure* within the District Plan is based on that provided in the Waikato Regional Policy Statement.

- 1.5. There are no other objectives within the Rural Lifestyle Environment that address the effects on Infrastructure, noting Objective 3b.3.2 is confined to reverse sensitivity which does not adequately capture other and wider effects of development within the Rural Lifestyle Environment and direct effects on the National Grid (or infrastructure) specifically. As such, policies 10 and 11 of the NPSET are not given effect to.

Whether the word ‘activities’ can be removed from sought Rule 4b.1.x. and the performance standards 4b.x.x

- 1.6. The purpose of the word ‘activity’ within the rule and performance standards is to capture activities (in particular sensitive activities within performance standard 1) within the National Grid Yard. Sensitive activities include residential type activities, hospitals, educational facilities and schools, and other places of assembly/congregation. The purpose of the rule is not only to manage and control the associated buildings and structures, but also the associated activities. For example, a school playground, hospital grounds or other ancillary grounds associated with the sensitive activity. To clarify the application of the rule, I would support an amendment to performance standard 1). Furthermore, to recognise minor sensitive activity buildings or structure, I would support a new performance standard as shown below (1a.) that would permit small scale residential associated buildings and structures. A further amendment is sought to rule 4b.1.x b) to clarify that non sensitive activities (e.g. farming activities) are permitted.
- 1.7. Based on the above, to clarify the application and wording of the rule, I would support amendment to the National Grid Yard rule and performance standard as follows (shown as green text):

4b.1.x Buildings, structures and activities in the National Grid Yard

- a) Any building, structure and activity in the National Grid Yard which complies with the performance standards in 4b.x.x is a permitted activity.*

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- e. a water supply distribution system, including a system for irrigation:
 - f. a drainage or sewerage system:
 - g. structures for transport on land by cycleways, rail, roads (local and State highway)¹, walkways, or any other means:
 - h. facilities for the loading or unloading of cargo or passengers transported on land by any means:
 - i. an airport as defined in section 2 of the Airport Authorities Act 1966:
 - j. a navigation installation as defined in section 2 of the Civil Aviation Act 1990:
 - k. facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:
 - l. anything described as a network utility operation in regulations made for the purposes of the definition of “network utility operator” in section 166 of the Act

b) Any permitted building, structure or activity which does not comply with the performance standards in 4b.x.x, or any building or structure that is not otherwise provided for, is a non-complying activity.

Notification:

Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

4b.x.x Performance standards – ...

1. The activity, building or structure is not used for or associated with, a sensitive activity.

1a. Accessory buildings or structures for sensitive activities located more than 12m from a National Grid support structure, that are no more than 2.5m in height and no more than 10m² in area.

.....

Whether the word ‘building’ within Rule 4b.1.x. and the performance standards 4b.x.x requires amendment given how the word is defined in the Operative Taupo District Plan.

1.8. As outlined in paragraph 10.35 of my primary evidence, the word ‘Building’ within the Operative Taupo District Plan does not reflect that of the 2019 National Planning Standards³. Instead, a “Building” is defined as any structure. However, there are a number of exclusions⁴ and this has implications for the application of the term to the National Grid. The issues associated with the definition are outlined in my primary evidence.

³ Building (means a temporary or permanent movable or immovable physical construction that is:

(a) partially or fully roofed; and

(b) fixed or located on or in land;

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.)

⁴ Building – means any structure, temporary or permanent, movable or immovable excluding:

- Fences or walls of 2m in height or less above ground level or retaining walls of 2m in depth or less below ground level;
- Masts and poles less than 2m in height above ground level;
- Radio and television aerials (excluding dish antenna greater than 1.2m in diameter), less than 2m in height
- Uncovered decks not more than 1m above ground level
- Uncovered swimming pools no higher than 1m above ground level
- Up to 0.6m of overhanging eaves
- One building per allotment not exceeding 2m in height and 6m² in GFA provided the height to boundary performance standard is met;
- Temporary structures associated with maintenance activities and construction works;
- Structures that are for the purpose of erosion control or flood protection, for example, debris dams.
- Building includes the construction, erection, alteration, relocation or placement on an allotment, of a building.
- Signs as provided for in rules, 4g.1.16, 4g.1.19 and 4h.1.10.

Advertisements for national and local elections where they meet the Electoral (Advertisements of a Specified Kind) Regulations 2005

- 1.9. In discussing the issues with the reporting officer, concerns were expressed regarding the application of the Operative District Plan term 'Building' to the bespoke National Grid Yard rule. While the term 'Structure'⁵ would potentially capture those built structures excluded from the definition of buildings', this may create confusion for plan users.
- 1.10. One solution agreed with the reporting officer is to amend the definition of 'Building' as it applies to the bespoke National Grid Yard rule and performance standards to reflect that of the National Planning Standards 2019. Council is required to update the District Plan to use the definitions in the National Planning Standards and therefore an amendment to the definition as it applies to the standalone and bespoke National Grid Yard rule would be consistent with the required direction.
- 1.11. I have reviewed the proposed National Grid Subdivision Corridor rule and given the context of how the word 'building' is used within the rule, I do not consider the word requires defining within the proposed subdivision rule 4b.5.x1.
- 1.12. Suggested text is as follows (shown as green text):

4b.1.x Buildings (for the purpose of this rule means Building as defined in the National Planning Standards 2019), structures and activities in the National Grid Yard

- a) Any building, structure and activity in the National Grid Yard which complies with the performance standards in 4b.x.x is a permitted activity.
- b) A building, structure or activity which does not comply with the performance standards in 4b.x.x or is not otherwise provided for, is a non-complying activity.

Notification:

Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

4b.x.x Performance standards – Buildings (for the purpose of this standard means Building as defined in the National Planning Standards 2019), structures and activities in the National Grid Yard

1. The activity, building or structure is not for a sensitive activity.
2. The building or structure meets the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) under all transmission line operating conditions and is:

⁵ Defined in the Operative Taupo District Plan as "Structure – means any building, equipment, device or other facility made by people and which is fixed to land and includes any raft".

- a. a fence or artificial screen not exceeding 2.5 metres in height measured from ground level.
 - b. an uninhabited farm or horticultural structure or building (but not intensive indoor primary production, commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).
 - c. irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct existing vehicular access to a National Grid support structure.
 - d. undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.
3. The building or structure does not permanently physically impede existing vehicular access to any National Grid support structure.
4. The building or structure is not for the handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities).
5. The building or structure is located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission line support structure, except where it:
- a. is a fence or artificial screen not exceeding 2.5 metres in height that is located at least 6 metres from the outer visible edge of a foundation of a National Grid transmission line tower.
 - b. meets the requirements of clause 2.4.1 of New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).
 - c. undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.

1.13. To assist, the following shows the combined sought amended text:

4b.1.x Buildings (for the purpose of this rule means Building as defined in the National Planning Standards 2019), structures and activities in the National Grid Yard

- a) Any building, structure and activity in the National Grid Yard which complies with the performance standards in 4b.x.x is a permitted activity.
- b) Any permitted building, structure or activity which does not comply with the performance standards in 4b.x.x, or any building or structure that is not otherwise provided for, is a non-complying activity.

Notification:

Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

4b.x.x Performance standards – Buildings (for the purpose of this standard means Building as defined in the National Planning Standards 2019), structures and activities in the National Grid Yard

1. The activity, building or structure is not used for or associated with, a sensitive activity.
 - 1a. Accessory buildings or structures for sensitive activities located more than 12m from a National Grid support structure, that are no more than 2.5m in height and no more than 10m² in area.
2. The building or structure meets the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) under all transmission line operating conditions and is:
 - a. a fence or artificial screen not exceeding 2.5 metres in height measured from ground level.
 - b. an uninhabited farm or horticultural structure or building (but not intensive indoor primary production, commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).
 - c. irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct existing vehicular access to a National Grid support structure.
 - d. undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.
3. The building or structure does not permanently physically impede existing vehicular access to any National Grid support structure.
4. The building or structure is not for the handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities).
5. The building or structure is located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission line support structure, except where it:
 - a. is a fence or artificial screen not exceeding 2.5 metres in height that is located at least 6 metres from the outer visible edge of a foundation of a National Grid transmission line tower.
 - b. meets the requirements of clause 2.4.1 of New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).
 - c. undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.

1.14. The ability to discuss the above and refine the National Grid provision is appreciated.

Pauline Whitney